



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION  
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### MINUTES JULY 11, 2006

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The meeting was called to order by Chairman Jack Knapp at 7:35 PM

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Donald Kennedy (arrived 7:50 PM), Jack H. Knapp, Robert Melillo, and Alternates Victoria Hickey and Joseph Notaro, Jr.

Absent were Richard P. Jowdy and Alternate Jean Anderson.

Chairman Knapp led the Commission in the Pledge of Allegiance. He then explained that the minutes of the June 27, 2006 meeting were not finished so they would table the acceptance of them until the next meeting.

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PUBLIC HEARINGS:

Petition of MALCOACH INC. – CT d/b/a Bella Luna Restaurant, 1 Ives St. (#I14262) for Restaurant Liquor License.

Chairman Knapp read the legal notice. He noted that the Commission members had received copies of the site plan approval for this use at this location as well as a copy of the floor plan. He then asked Ms. Hickey to take Mr. Jowdy's place and Mr. Notaro to take Mr. Kennedy's place for this matter.

Attorney Fran Collins spoke in favor of this petition. He identified this property as being located next to Two Steps and basically right on the green. He said there had been a "Cyber Café" in this space previously but they had gotten a Waiver to Site Plan Approval from the Planning Dept. for the change of use from café to restaurant. He said the applicant is an experienced restaurateur from New York State. The applicant is aware of the restrictions placed on restaurants and has no problem complying with them. There is adequate parking available as noted in the approval letter from Associate Planner Jennifer Emminger dated June 16, 2006. He said a copy of that letter and the floor plan were attached to the petition. Mr. Elpern noted that the floor plan did show a separation wall between the bar and the dining room. Mr. Elpern also reminded the Commission of the criteria in Sec. 3.F.2. for approval of this type of application. Attorney Collins said the applicant is present if anyone had any questions for either of them, but there were none.

Chairman Knapp asked if there was anyone to speak in opposition to this and there was no one.

Mr. Melillo made a motion to close the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Ms. Hoffstaetter then made a motion to move this to number one under Old Business. Mr. Farah seconded the motion and it was passed unanimously.

Mr. Haddad made a motion to deviate from the order of the agenda and take action on this now, before the start of the next public hearing. Mr. Farah seconded this motion and it was passed unanimously. Chairman Knapp asked for comments or a motion from the Commission members. Mr. Melillo then made a motion to approve this petition for the following reasons:

- The proximity of such premises will not have a detrimental effect on any church, school, convent or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Ms. Hoffstaetter seconded the motion and the motion was passed unanimously by roll call vote.

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7:45 PM – Petition 46 Mill Plain Rd. LLC, Rear portion of 3-5, 7-9 & 13 Mill Plain Rd. (#E15038, northerly #E15040 & portion of #E15039 for a Change of Zone from RA-40 to CRP Zone

Mr. Farah read the legal notice. Chairman Knapp read the Planning Department Staff Report dated June 30, 2006. Mr. Kennedy arrived at during the reading of the Staff Report. Ms. Hoffstaetter read the Planning Commission recommendation, which was positive.

Attorney Paul Jaber spoke in favor of this petition. He described the location of the site and pointed out that the subject area is located on the rear 17.19 acres. He said this parcel is owned by Montowese Industrial Park Inc. and the applicant is the contract purchaser. There are no properties currently zoned CRP. These regulations were written in 2004 after a focus group made up of various members from the business, government and academic communities met with Dr. Gary Wilson, from the CT United Research Excellence (CURE). They had submitted a similar petition last year but it was subsequently withdrawn. He said the Campus Research Park (CRP) regulations were amended since then to remove the requirement about proximity to a university. The predominant use would be a research park but this also would provide residential use for the employees of the park. The Regulations require a 100 ft. buffer between this and any abutting residentially zoned properties. He said they must get the zone change approved first, and then they must get a special exception from the Planning Commission. One of the problems with the previous application was access because the Zoning Regulations prohibit crossing residential land to access commercial land. He said this complies with the Plan of Conservation & Development (POCD) and the Zoning Regulations.

James Bellano, Development Manager for the applicant spoke next. He said he has had a vested interest in this project since its inception. He was the director of the Housatonic Valley Economic Development Partnership (HVEDP) and was very involved in setting up the focus group that Attorney Jaber mentioned. He listed who was included in the focus group saying there were many State level people involved as well as local people. He said as Director of Economic Development for the City of Danbury, he again was called upon to speak in favor of this concept last year when the previous petition came before this Commission. He said this proposal is consistent with the

goals of the State Dept. of Economic Development as well as the Governor's office. He explained that the loss of traditional manufacturing has created a need for high-tech industries and we need to attract them to our state. He distributed a report titled "WestConn Park" Related Materials (*Exhibit A*) and a Traffic Evaluation from Traffic Engineer Michael Galante (*Exhibit B*).

Dr. Gary Wilson distributed a report about bio-technology (*Exhibit C*). Dr. Wilson was involved in the development of the Science Park at Yale University and also two other sites in CT. He explained that in the pharmaceutical area, the development time of a drug before it reaches the market is 11.5 years and 800 million plus dollars. Ideas for drugs are really developed through academia, drug companies do the testing and actual development but the ideas have to come from somewhere. Almost all new cures coming out today are developed through bio-science; it also provides high paying jobs. A park like this also attracts other high-tech industries to the area. He said it is much easier to attract other scientists once there are some here. There are no bio-science companies in Western CT, and for every job in bio-science there are 3.5 jobs formed elsewhere in the market, so it increases the available job market. He said these things are required for a successful Campus Research Park: developed lab facilities, reasonable proximity to a university, a bio-science friendly environment, a trained technical workforce, a campus-like environment and available capital resources. He said Danbury's proximity to Boston and NYC is also an important component. Also important are the proximity to a major international pharmaceutical company, Danbury Hospital and the new science building at WCSU. He said this site meets all of the criteria. In closing he said that a Campus Research Park will only benefit the City of Danbury. He said this will be the only research park in Western CT and therefore, a visible contribution to high-tech industry. It will be a source of employment and training, provide an increased economic impact, and enhance the ability to attract biotechnology. And Danbury cannot attract this type of business without having this type of facility available.

Steven Bull, President of Greater Danbury Chamber of Commerce, said they do not usually speak on zoning issues, but this is so very important. He said they represent ten towns in area and have been an ardent supporter of this concept since it was first suggested. He said this exciting idea was well received by the Chamber membership, especially those involved in the bio-technic industry. He said the State Dept. of Economic Development and the CT Economic Development Association are both in favor also. This is so important for the existing bio-technic industry in Danbury as it will lead to more cutting edge companies wanting to locate here, which will enhance the quality of life.

Tom Driscoll of TSD Properties said he owns the building and property located at 8 Mill Plain Rd. He said this property will be developed as Danbury keeps growing and if it will help the students of WesConn and the City of Danbury, he is in favor of this change.

Ray Asmar said he also owns property on Mill Plain Road and he is looking forward to this. It will be the best thing to happen to Danbury since they cleaned up the Still River. He added that if this offers the opportunity for WesConn students to possibly find a cure for a disease, that is great.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and several people came forward.

John Doubek, 4 College Park Drive, said his property adjoins this site. He expressed three concerns: first, this is and has been an example of spot zoning, second, this poses an invasion

into the abutting residential neighborhood and third, it could lead to the destruction of this entire neighborhood. He mentioned the previous application and then the removal of the location requirement from the Regulations. He said for twenty months, from when the CRP regulations were written until the regulations were changed, this was the only property in the City that this zone applied to. He then referred to some maps (*Exhibit E*) he had prepared, saying this would be put right in the middle of a residential zone. He added that this is a great concept but not here. The impact on these neighbors, who have already made a significant investment in their neighborhood, would be negative and lead to the eventual destruction of this neighborhood. He referred to Dr. Wilson's comment about significant growth of this once it starts, and said it is this growth that will lead to the demise of the abutting residential neighborhoods. He suggested that good business people and University administrators will encourage growth and it will naturally spread into the surrounding residential areas. He said he does not want their neighborhood to be destroyed as a result of the good growth of the CRP. In closing, he said the residents of Danbury really do rely on the Commission to protect their interests.

Jamie Kennedy, 24 Crestdale Dr., said the neighbors did not receive their notices and for that reason, she requested they keep the hearing open to allow them the opportunity to speak. In reference to the applicant mentioning the cooperation from WCSU, she submitted a letter from Thomas Curran, the Director of Planning for WCSU. This letter was dated 4/19/04 and said WCSU takes no position on this or any other private zoning request, their interest is only as an abutting property owner (*Exhibit D*). She reminded the Commission that the new science building the applicant is talking about is at the downtown campus. She said her concern is the elevation changes in this land, there is more than a 15% grade and blasting could cause damage to their properties which they have already been through during the construction of the CVS. This would affect the values of their properties. She read and submitted an opposition statement with four pages of signatures attached and said this was accomplished this afternoon (*Exhibit F*). She then submitted an FOI request for the Planning Commission minutes from the meeting where this matter was discussed as a referral and the minutes of tonight's meeting.

Bernie Charris, Watson Dr., said he was in opposition. He submitted a petition in opposition from the residents on Watson Dr. (*Exhibit G*)

Richard Pippenger, Amity Lane, pointed out on the map where his house is as well as the other houses that abut this parcel. He mentioned that taller buildings are permitted in the CRP zone and questioned the advisability of allowing six story buildings adjacent to the residential neighborhood.

Attorney Jaber then spoke in rebuttal. He said this is not spot zoning because this is a large parcel and the proposed uses will be compatible with the surrounding uses. He said he cannot see this expanding into the surrounding residential neighborhoods, especially because there are safeguards that would prohibit it. The grade changes and the wetlands would constrain the development. He said they had complied with the notice requirements by providing the envelopes with the petition. He pointed out that Watson Dr. and Woodland Hill Rd. are both west of this site and not likely to be affected.

Mr. Elpern said when these regulations were written they did think it was a good idea to have it about a university it was not until the previous petition that they realized this was the only parcel that met all of the requirements. He said that is why they changed the regulations to remove that

requirement. He also suggested that if they deny this it that does not mean that the campus research park will not come to Danbury. Any ten acre parcel could be rezoned to this. There are other parcels that could be used for this. He said the advantage to this site is the immediate interaction with the University, but the problem with this site is that there is no direct access. He said to clarify what Dr Wilson said regarding the people involved in the focus group, all of the people involved thought the concept was a good idea. If this is approved, it will go to the Planning Commission for review as a Special Exception use and the uses on this site must be designed so as not to disrupt the abutting residential district. He said the Planning Commission has some discretion there and any parking lots have to be 25 ft. from any residential district. He recommended they continue the public hearing and said he would look into the notification issue. Mrs. Buzaid asked if there was any proof that the neighbors did not get their notices. Mr. Elpern said he knew that the notices had been mailed out but we have no way of knowing what happened to them after they left the City's mailroom.

Mr. DiCaprio made motion to continue the hearing to allow the neighbors an additional chance to speak. Mr. Kennedy seconded the motion and it was passed unanimously.

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Chairman Knapp said there was nothing under New Business although the secretary noted several new petitions were received today which will be heard in August. There was nothing listed under Correspondence and the For Reference Only listed the public hearings scheduled for July 25, 2006. He noted that the Special Permit the Commission had approved at the June 27, 2006 meeting is coming back in to apply for a Café permit because they do not want to put up a wall to separate their bar area from the dining area as is required for a Restaurant permit.

At 10:15 PM, Mr. Melillo made a motion to adjourn. Mr. DiCaprio seconded the motion and it was passed unanimously.